

### REMARKS

### **Acknowledgement of IDS filed on August 23, 2001**

The Examiner is respectfully requested to acknowledge consideration of the reference submitted with the IDS of August 23, 2001 by initially and returning PTO-Form 1449.

### **Allowable Subject Matter**

The Examiner states that claims 2, 7-10 and 14 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Claims 2, 7 and 14 have been rewritten in independent form, and are in an immediate condition for allowance. Claims 8-10 depend (directly or indirectly) from claims 2 or 7, and are also in an immediate condition for allowance.

Claims 5, 6 and 12 depend from claim 2, and are likewise in condition for allowance.

## Status of the Claims

Claims 1, 3, 4, 11, 13, 15 and 16 have been amended to recite a hard disk. Support for these claims can be found, for example, on page 1, lines 11-13 and page 2, lines 22-25 of the application as-filed.

Claims 2, 7, and 14 have been rewritten in independent form. In the Office Action dated December 17, 2003, and the present Office Action dated June 18, 2004, the Examiner acknowledged that claims 2, 7-10 and 14 would be allowable if rewritten in independent form.

Claims 17 and 18 have been canceled without prejudice or disclaimer.

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Accordingly claims 1-16 are pending and at issue.

**Rejections Under 35 U.S.C. § 103**

Claims 1, 3-6, 11-13, and 15-16 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,416,633 or U.S. Patent No. 5,895,558 (collectively "Spence"). As explained above, claims 5, 6 and 12 depend from claim 2. Claim 2 was found to contain allowable subject matter in the previous Office Action. Therefore, Applicants submit that claims 5, 6, and 12 have been erroneously included in the present rejection.

Claims 1, 3-4, 11 and 15 have been amended to recite a method for manufacturing a hard disk comprising, *inter alia*, surface treating a support substrate by placing the support substrate in an active gas atmosphere. Claims 13 and 16 have been amended to recite a hard disk made by a process comprising, *inter alia*, surface treating a support substrate by placing the support substrate in an active gas atmosphere. The present application explains that for hard disks in particular, the smallest defects and contaminations on the support substrate are problematic, since the read/write head is in such close proximity to the surface of the hard disk (see, e.g., page 1, lines 15-18).

Contrary to the needs of hard disk manufacture discussed above, the webs and films in the process taught by Smith are laid on top of each other (see supply reel 23 and take-up reel 24 in Figure 1). This causes scratching. Furthermore, the electrodes in Spence -- which are in close proximity to the treated substrate -- are equipped with a supply of gas and gas outlets (see U.S. Patent No. 6,416,633, col. 4, lines 48-51). Particles near such outlets are drawn to the substrate by the vacuum created by the flow of the gas, and adhere to the substrate. A person of ordinary skill in the art would not be motivated to consult Spence, as the lack of defect and contamination control of hard disk substrates teaches the person of ordinary skill away from using this process in a method for manufacturing a hard disk.

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While the Examiner addresses applicants previous argument regarding impermissible use of hindsight (which the Applicants respectfully disagree), the Examiner has not addressed Spence's inability to provide a process for manufacturing hard disks due to the surface defects and contamination inherent in Spence's disclosure. Due at least to the skilled artisan being taught away from applying Spence for the manufacture of hard disks, Applicants submit that a prima facie case of obviousness has not been established.

## Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: September 16, 2004

Respectfully submitted,

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